



PUBLIC

Kansas Department of Health and Environment
Bureau of Air and Radiation
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Exceptions due to Breakdowns or Scheduled Maintenance, K.A.R. 28-19-11 Technical Guidance Document: BAR 2005-01

Purpose: To describe the applicability of K.A.R. 28-19-11, the exceptions allowable, and emission limitations contained within this regulation.

This Kansas Air Quality Control regulation is specifically related to excessive emissions due to breakdowns or scheduled maintenance, and specific Kansas-only emission limitation regulations.

K.A.R. 28-19-11(A):

This subsection states “ Abnormal operating conditions resulting from malfunction breakdown, and or necessary repairs to control or processing equipment and appurtenances which cause emissions in excess of the limitations specified in the emission control regulations shall not be deemed violations.”

This subsection applies only to “...emissions in excess of the limitations specified in the emission control regulations...” K.A.R. 28-19-11 was an original State Implementation Plan (SIP) rule and was intended to apply to those rules specified in the SIP. The original and subsequent SIP submittals are categorized in five groups of emission control regulations:

- Processing operation emissions
- Indirect heating equipment emissions
- Incinerator emissions
- General visible emission limitations
- Volatile Organic Compound (VOC) emissions

K.A.R. 28-19-11(A) is applicable to the following Kansas Air Quality Control **emission limitation regulations only:**

- K.A.R. 28-19-20 through 26
- K.A.R. 28-19-30 through 32
- K.A.R. 28-19-40 through 43
- K.A.R. 28-19-61 through 77

- K.A.R. 28-19-650
- K.A.R. 28-19-717 through 719
- Future RACT rules

K.A.R. 28-19-11(A) applies only to excess emissions due to abnormal operating conditions resulting from malfunctions, breakdowns and or necessary repairs for the above specific Kansas emission limitation regulations, **it is not applicable to the following:**

K.A.R. 28-19-11(A) does not apply to emission limitations specified in a construction or operating permit if those limitations are not also specified in the emission control regulations. This regulation clearly applies only if the limitations are specified in the emission control regulations (listed above).

K.A.R. 28-19-11(A) does not apply to federal delegated (EPA) programs, including 40 CFR Parts 60, 61, and 63. These EPA delegated programs are not part of the SIP. This regulation was intended to apply to emission limitations specified in emission control regulations found in the SIP.

K.A.R. 28-19-11(A) exceptions apply only if the additional requirements of this regulation are met. These requirements are found in (A)(1) and (A)(2) of the regulation. To comply with the requirement, the following conditions must be met:

1. KDHE is notified in writing within 10 days of noted occurrence (postmark date).
2. Written notice states the occurrence of the malfunction, breakdown or necessary repair.
3. This notice states the nature of the malfunction, breakdown or necessary repairs.
4. This notice identifies the excess emissions.
5. This notice identifies the regulatory limitation that was exceeded (list above only).
6. This notice demonstrates that the excess emissions resulted from abnormal operation associated with the malfunction, breakdown or necessary repair.
7. This notice states the actions taken to initiate any necessary repair.
8. This notice demonstrates that the number of occurrences of such breakdowns is not excessive.
9. This notice explains how the equipment was placed back in operation as quickly as possible.

K.A.R. 28-19-11(B)

Subsection (B) states “Emissions in excess of the limitations specified in these emission control regulations resulting from scheduled maintenance of control equipment and appurtenances will be permitted only on the basis of prior approval by the department and upon demonstration that such maintenance cannot be accomplished by maximum reasonable effort, including off-shift labor where required, during periods of shutdown of any related equipment.”

The “specific emission control regulations” is limited to the emission control regulations and limitations listed above in this guidance document.

Prior approval by the department is required – there are no exceptions to this requirement, as this subsection applies only to scheduled maintenance of pollution control equipment. Approval by the department will be in writing.

Approvals under the specific requirements of this subsection will not be granted unless the owner or operator demonstrates that maintenance cannot be accomplished by maximum reasonable effort during periods of shutdown of any related equipment.

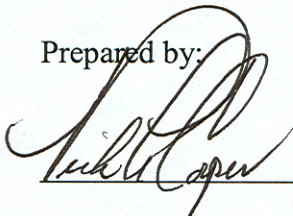
K.A.R. 28-19-11(C)

This subsection addresses excessive contaminant emissions from fuel burning equipment used for indirect heating purposes resulting from fuel or load changes, start up, soot blowing, cleaning of fires, and rapping of precipitators. Excessive emissions will not be considered violations provided they do not exceed a period or periods aggregating more than five (5) minutes during any consecutive one (1) hour period.

Exceptions to periods longer than five minutes during any one hour may be authorized by the BAR if the operator of the facility can demonstrate to the satisfaction of BAR that a specific operational procedures will require that the allowable time period for excessive emissions be extended beyond the five minute limit during any one hour. Prior approval by BAR is required and may be granted only after proper request is made to BAR. When an exception is granted, it will be in writing from BAR.

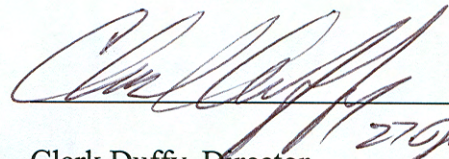
Exceptions granted by BAR, as discussed above, will require that visible emissions not exceed an opacity of 60 percent, and the authorization will specify the appropriate time and daily frequency schedule for these excessive emissions. Failure to comply with these requirements and conditions without an approved BAR exception under this regulation will be deemed a violation of the emission control limitation and regulation.

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